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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR05-366-RSL
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 LISE BUSCHER,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
_____)

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14 An evidentiary hearing on supervised release revocation in this case was scheduled before
15 me on November 19, 2007. The United States was represented by AUSA J. Tate London and the
16 defendant by Jay Stansell . The proceedings were digitally recorded.

17 Defendant had been sentenced on or about April 16, 2004 by the Honorable Marvin Katz
18 in the Eastern District of Pennsylvania on a charge of Mail Fraud and Wire Fraud, and sentenced
19 to 12 months custody, three years supervised release. (Dkt. 4, page 12). The case was transferred
20 to this District for supervision on September 29, 2005. (Dkt. 1.)

21 The conditions of supervised release included the standard conditions plus the requirement
22 that defendant pay restitution in the amount of \$28,290.00.

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01 On July 3, 2006, the conditions of supervision were modified to require residence in a
02 halfway house for up to 120 days. (Dkt. 13.) On July 13, 2006, the defendant admitted violating
03 the conditions of supervision by committing the crime of unlawful issuance of bank checks, failing
04 to notify the probation officer within 72 hours of being arrested, failing to follow the instructions
05 of the probation officer, failing to submit truthful and complete monthly reports, failing to pay
06 restitution, failing to notify third parties as required, and being self-employed and accepting
07 employment without approval of her probation officer. (Dkt. 15.). Defendant was required to
08 reside in a halfway house for up to 270 days and supervised release was reimposed for 34 months.
09 (Dkt. 20, 21). Additional conditions of release were imposed requiring defendant to submit to
10 drug testing, and abstain from the use of alcohol and participate in alcohol treatment.

11 On February 16, 2007, defendant's probation officer reported that she had used alcohol
12 on two occasions. She was reprimanded, placed in a structured testing program, and the
13 frequency of testing was increased. No further action was taken at the time. (Dkt. 22.)

14 On May 1, 2007, defendant admitted violating the conditions of supervision by using
15 alcohol, failing to file monthly reports, failing to report to her probation officer as directed, failure
16 to attend Moral Reconciliation Therapy (MRT) and failing to report a change in residence. (Dkt. 32.)
17 Defendant was sentenced to 75 days imprisonment (with credit for time served) followed by 33
18 months supervised release, to include residence in a residential reentry center program for up to
19 120 days. (Dkt. 36.) Defendant's supervision was modified on October 11, 2007 to require up
20 to an additional 60 days in the residential reentry center. (Dkt. 37.)

21 In an application dated November 16, 2007 (Dkt. 38), Senior U.S. Probation Officer
22 Jennifer J. Tien alleged the following violations of the conditions of supervised release:

1. Using alcohol on or before November 7, 2007 in violation of the special condition that she abstain from alcohol.

2. Failing to report for a random Breathalyzer test on November 14, 2007, in violation of the special condition of alcohol aftercare.

3. Failing to report as instructed for a mental health assessment on November 15, 2007, in violation of the special condition of mental health aftercare.

Defendant was advised in full as to those charges and as to her constitutional rights.

Defendant admitted the alleged violations and waived any evidentiary hearing as to whether they occurred. (Dkt. 42.)

I therefore recommend the Court find defendant violated her supervised release as alleged, and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be set before Judge Lasnik.

Pending a final determination by the Court, defendant has been detained.

DATED this 19th day of November, 2007.


Mary Alice Theiler
United States Magistrate Judge

cc: District Judge: Honorable Robert S. Lasnik
AUSA: J. Tate London
Defendant's attorney: Jay Stansell
Probation officer: Jennifer J. Tien